

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Ranga Reddy District - Representation of Sri.Kuhar Singh and Rajendra Singh, who are the legal heirs of late Mohan Lal, Freedom Fighter with a request to allot the land which was assigned and resumed – Orders – Issued.

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REVENUE (ASN.V) DEPARTMENT

G.O.Ms.No.1096

Dated:10th September,2008

Read the following:

1. Representation of Sri. Kuhar Singh and another dated: 14-3-2005, 5.1.2007 and 12.9.2007.
2. From CCLA Lr. No. BCW5/486/05 dt. 27-9-2005.
3. From the Collector, Ranga Reddy District, Lr.No.E1/4383/2005 dt.30-1-2006 and 22-12-2007.

O R D E R:

In the reference first read above, Sri.Kuhar Singh and another who are the legal heirs of Late Mohan Lal, Freedom Fighter, have made a representation stating that an extent of Ac. 10.00, Narsing Village in Sy. No. 205 of Hyderabad West was granted infavour of Sri. Mohan Lal vide patta certificate No.A9/1525/61 dt.08.08.1962 under Political Sufferer quota and it is in their continuous possession. The then Joint Collector, Ranga Reddy District cancelled the patta certificate issued in favour of Mohan Lal. Aggrieved by the orders of Joint Collector, Sri.Mohan Lal, has filed appeal before Commissioner of Appeals. After death of Mohan Lal, Smt.Rukminibai w/o Mohan Lal has been impleaded before Commissioner of Appeals. The Commissioner of Appeals has passed orders on 26-04-1996, dismissing the appeal, after the death of the appellant Smt.Rukminibai W/o Late Mohan Lal. Aggrieved with the above orders, Sri Kuhar Singh and another have filed representation before Government with a request to set aside the orders of Joint Collector, Ranga Reddy District and to restore the land which was assigned by the then Tahsildar in favour of Mohan Lal.

2. In his letter third read above, the Collector, Ranga Reddy District has reported that as per the Revenue Records the land in Sy.No.205, admeasuring Ac.66.03 gts., of Narsingi Village, Rajendra Nagar Mandal, is recorded as Government land. Out of the above, an extent of Ac.10.00 gts., was assigned to Sri Mohan Lal, Freedom Fighter, by the then Tahsildar, Rajendranagar vide File No.A9/1525/61, dt.08-08-1962 and the same was brought in to revenue records i.e. pahani for the year 1966 onwards. During

(PTO)

1982 the Joint Collector, Ranga Reddy District has reopened the proposal and observed that as on the date of Assignment of 10.00 acres in Sy.No.205, Narsingi Village, in favour of Sri Mohan Lal, Freedom Fighter on 08-08-1962, the assignment of Government land in Narsingi Village was banned vide G.O.Ms.No.1122, dt.29-06-1961. The Joint Collector, Ranga Reddy District has initiated the proceedings for cancellation of irregular assignment made by the then Tahsildar. After following the due procedure, the Joint Collector, Ranga Reddy District cancelled the assignment patta granted to the Freedom Fighter through his proceedings D1/1031/79, dt.15-06-1982. The date on which the patta was cancelled by the Joint Collector, Ranga Reddy District is 15-06-1982 and as on that day, the Narsingi Village has been exempted from the ban orders vide G.O.Ms.No.1409, Revenue (Asn.I) Department, dt.19-08-1978. Aggrieved by the said orders of the Joint Collector, Ranga Reddy District, the petitioner preferred an appeal before the CCLA and the same was dismissed by the Spl.Commissioner of Land Revenue vide Procg.No. BCW/4218/93, dt.26-04-1996, upholding the orders of the Joint Collector, Ranga Reddy District. Accordingly, the land in Sy.No.205/5 was resumed to Government custody and recorded as Khariz Khata by deleting the name of Mohan Lal in the Pahanies from 1996-97. The Collector, Ranga Reddy District has further reported that an extent of Ac.25.00 of Government land which includes the land resumed from Sri Mohan Lal, Freedom Fighter, in Sy.No.205 has been allotted to Tourism Department and advance possession was also given during the year 2001.

3. Government after careful examination of the report of the Collector, Ranga Reddy District and after verification of the original records made available, have observed as follows:

- i) Sri Mohan Lal father of the petitioner was a Freedom Fighter and eligible for assignment of Government land to an extent of Ac.10.00 of dry under the scheme of allotment of land to the Freedom Fighter.
- ii) the then Tahsildar has assigned the Government land to an extent of 10.00 acres in Sy.No.205, Narsingi Village, Rajendranagar Mandal during 1962 and the name of the assignee was also mutated in the Revenue Records.
- iii) as on the date of assignment i.e. 08-08-1962, the Narsingi Village was included in the list of Villages where ban orders have been enforced for assignment vide G.O.Ms.No.1122, Revenue Department, dated: 20-09-1961.

Contd...3.

Thus, the assignment made by the Tahsildar was against the ban orders existing and the assignee who is a Freedom Fighter was not aware of the ban till a notice is served on him/his legal heir by the Joint Collector, Ranga Reddy District during the year 1982.

- iv) the assignee can not be found fault with such assignment which was wrongly done by the then Tahsildar.
- v) the Joint Collector, Ranga Reddy District has issued orders through his proceedings No.D1/1031/79, dt.15-06-1982. As on the date of cancellation of the assignment order, Narsingi Village was exempted from the banned villages vide G.O.Ms.No.1409, Revenue Department, dt.19-8-1978
- vi) the Joint Collector, Ranga Reddy District ought to have simultaneously assigned an alternative land to the Freedom Fighter, as he was eligible for such assignment.
- vii) the Freedom Fighter filed an appeal before the Special Commissioner (Appeals) Office of the CCLA and subsequently consequent to his death, his wife Smt.Rukmini Bai has been impleaded.
- viii) the appeal filed by the legal heir of Freedom Fighter has been dismissed by the Special Commissioner, appeals on 26-04-1996 and whereas the wife of the Freedom Fighter who was impleaded as legal heir had already dead on 08-12-1991. Thus the orders of the Special Commissioner is null and void and non-est in eyes of law.

4. Government have also observed that lot of injustice was caused to the family of Freedom Fighter due to the prolonged litigation and hence the injustice caused has to be compensated. It was also reported by the Collector, Ranga Reddy District that the land allotted to the Tourism Department is still vacant and major portion of the land has been utilized for the purpose of the formation of Outer Ring Road Project, leaving a balance of Ac.10.11 gts., in two bits in the possession of Tourism Department which is vacant on ground.

5. Government after careful examination of the entire issue in the light of the above observation have decided to allot an extent of Ac.5.12 gts., in Sy.No.205/1, out of the vacant land available with Tourism Department in favour of legal heirs of Freedom Fighter to meet the ends of justice. The balance land shall be retained with Tourism Department. The order dt.15-06-1982 of the Joint Collector, Ranga Reddy District is hereby set aside.

Contd....4.

6. The Collector, Ranga Reddy District is directed to take necessary action to hand over the land to the legal heirs of diseased Freedom Fighter and incorporate the same in the Revenue Records.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.SAMUEL
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Collector, Ranga Reddy District

Copy to :

The Spl.CS & Chief Commissioner of Land Administration, Hyderabad
Sri Kuhar Singhi and another – **through Collector, Ranga Reddy District**
SF/SCs.

//FORWARDED BY ORDER//

SECTION OFFICER

Chenna